

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**KAYLOR H. McINTYRE
ADC #166592**

PLAINTIFF

v.

No: 4:21-cv-00110 JM-PSH

DEXTER PAYNE, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Findings and Partial Recommendation submitted by United States Magistrate Judge Patricia S. Harris, and the objections filed by Defendants. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Findings and Partial Recommendation should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. It is clear from the Plaintiff's grievance that while he mentions Lt. Brooks by name as taking pictures of the sewage on November 11, 2020, he is grieving an incident that had been ongoing since November 8, 2020 that "*they* are keeping us confined in here . . . breathing and eating in raw sewage" and that he grieves of being in harm's way "because ADC cannot find a solution to the problem." (Doc. 22-3).

IT IS THEREFORE ORDERED that the Defendants' motion for summary judgment (Doc. No. 22) is denied.

DATED this 22nd day of November, 2021.


UNITED STATES DISTRICT JUDGE